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Douglas F. Libra

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EXAMINER

STERRETT, JONATHAN G

ART UNIT

PAPER NUMBER

3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/008,234	Applicant(s) LIBRA ET AL.	
	Examiner JONATHAN G. STERRETT	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 18-22, 33-35, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 18-22, 33-35, and 37-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Summary

1. This **Non-Final Rejection** is responsive to 16 June 2008. Currently **Claims 1-7, 18-22, 33-35, and 37-38** are pending.

Declaration under 37 CFR 1.131

2. The declaration filed on 16 June 2008 under 37 CFR 1.131 has been considered and is effective to overcome the Gauger (U.S. 2007/0192155) reference with respect to the claim limitations. The rejection made using Gauger is withdrawn, however, since Gauger was only relied upon for what, in the examiner's position, is known in the art for storing issues and issue resolutions in a database. Accordingly new 103 rejections are given below.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7, 37, 18-22 and 38 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101

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process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps, fail the first prong of the new Federal Circuit decision since they are not tied to another statutory class and can be performed without the use of a particular apparatus. Thus, **Claim 1** is non-statutory since it may be performed within the human mind. **Claims 2-7 and 37** depend on Claim 1 and are similarly not statutory.

Claim 18 is a system is claimed composed of a database and components (one of which is further comprised of "portions), which are computer programs per se, not clearly embodied on a computer readable medium. Computer programs per se are

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printed matter and therefore not statutory. See MPEP 2106.01. **Claims 19-22 and 38** depend on **Claim 18** and are therefore not statutory at least for the reasons given above for **Claim 18**.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-7, 18-22, 33-35, and 37-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pyron** (Using Microsoft Project 98: Special Edition) in view of **Smart** U.S. 5241621 (hereinafter **Smart**).

As per claim 1, Pyron teaches a method comprising: collaboratively performing a number of tasks by a plurality of parties, wherein each task requires a series of collaborative actions (See pages 565-6, 586, 926, wherein workgroups of members perform a number of tasks with actions, wherein the actions are cooperative. See pages 50-1, 126, 171, 173, 175, 177, wherein actions in phases of tasks influence the actions and tasks of others);

recording the series of collaborative actions into a script database (See pages 65, 171, 175-9, 125-7, 599-601, wherein the tasks and subtasks are stored in an order/script in the database);

displaying a status of the series of collaborative actions taken in each of the tasks (See 473,484-6, 526-8, wherein status is displayed), wherein the status of each task may be simultaneously viewed by one or more of the plurality of parties (See 565-8, 575, 586-7, wherein the status can be viewed by workgroup members), and wherein displaying the status includes:

indicating two or more tasks including at least one of indicating whether a part has not started, is in work, or has been completed (See pages 484-6 and 526-8, wherein task status is displayed);

indicating a last action completed within each of the tasks that are in work (See at least pages 50-2, 484-6, 491-2, wherein the status of all tasks and subtasks (actions) is tracked and displayed, with the last action completed and other completions displayed);

displaying a total number of actions in each of the tasks (See pages 50-1,126, 171,173, 175, 177, wherein tasks and subtasks (actions) are displayed);

displaying a percentage of the number of actions completed for each of the tasks (See pages 50-2, 484-6, 491-2, 526-8, 924, wherein percentage completion is displayed); and

for each task, displaying a bar graph having a shaded portion corresponding to a percentage of the assigned actions completed for each of the tasks (See pages 484-6, 491-2, 526-8,924).

However, Pyron does not expressly disclose recording at least one issue and at least one issue resolution associated with at least one of the tasks into an issue

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database, wherein the at least one issue and the at least one issue resolution are inputted by a user.

Smart discloses recording at least one issue and at least one issue resolution associated with at least one of the tasks into an issue database, wherein the at least one issue and the at least one issue resolution are inputted by a user (see abstract – issue information is stored in a database and column 5 line 10-17; column 10 line 38-43).

Both Pyron and Smart disclose management systems which coordinate between a plurality of individuals when performing management planning. Smart specifically discloses managing issues that arise during general management including planning and resolving these issues and conflicts. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the recording of issues and resolutions into an issue database in order to more efficiently manage a collaborative project by allowing easier interaction between individuals regarding conflicts that arise.

As per claim 2, Pyron teaches wherein said step of recording into the script database includes:

ordering each of the actions into a series of sequential steps (See pages 65, 171,175-9, 125-7, 599-601, wherein the tasks and subtasks are stored in an order/script in the database sequentially); and

assigning an individual, group, machine, or combination thereof of one party to perform each of the actions (See pages 565-6, 586, 926, where people are assigned to the tasks. See also pages 251,283,285-7, 307).

As per claim 3, Pyron teaches wherein said step of recording into the script database further includes:

designating the dates that one or more actions will be performed (See pages 62-5, 134-6, 290, wherein dates are designated in the system); and that resources (i.e. workers) are located in various remote locations (See page 565, wherein the resources are at multiple locations).

However, neither Pyron nor Smart disclose indicating the location where each of the actions is to be performed.

Pyron discloses designating the date and the resources that are assigned to the task, where the resources are located at various remote locations. Examiner takes official notice that it is old and well known in project management systems to specifically indicate the location where the various tasks will be performed in order to maintain comprehensive data about the project. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the location of where the task is being performed, such as the remote location of the human resource of Pyron, in order to more efficiently maintain comprehensive data concerning the project, thus allowing the project to be more efficiently organized. See pages 3-4.

As per claim 4, Pyron teaches wherein said step of recording includes inputting the script database into an electronic file (See pages 107-110 and 599-602).

As per claim 5, Pyron teaches wherein the step of displaying the status of the tasks is performed by providing access to the status via on or more web pages (See pages 440-2, 467, 575, wherein Microsoft Project is useable on the Internet and Web).

As per claim 6, Pyron teaches wherein displaying the status of the tasks includes displaying a chart, including a GANTT chart (See pages 50-3,473,484-6, 526-8, which discloses a Gantt Chart).

As per claim 7, Pyron teaches wherein displaying the status of the tasks further includes displaying an indication of the completion of actions assigned to the tasks (See pages 50-2, 484-6, 491-2, 526-8, 924, wherein percentage completion is displayed.

Within the tasks (phases)

there are subtasks (actions). See pages 65, 171,175-9, 125-7, 599-601).

Claim 18 is substantially similar to the claim 1 and is therefore rejected using the same art and rationale set forth above. See also pages 440-2, 467, 575, of Pyron, which discloses the use of the Internet and Web. However, Pyron does not expressly disclose a web-page based input component configured to receive a series of collaborative actions of one or more tasks.

Smart discloses a input means for management planning (column 6 line 33-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Pyron to include the interface teaching of Smart because it would have provided a predictable result in entering data into the system. Smart and Pyron do not teach an internet, web-based user interface. However Official Notice is taken that using the internet with a web-based interface is old and well known in the art

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since it provides the ability to interface from any location that has internet access and would have been obvious to one of ordinary skill in the art at the time of the invention to combine with the teachings of Smart and Pyron because it would have provided a predictable result in providing a way for users to interact with the management system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive the series of collaborative actions of one or more tasks via a web-page based input component in order to increase the usability of the system by allowing team members to access the system from remote locations.

Claims 19, 20, 21, and 22 are substantially similar to claims 2, 3, 7, and 6, respectively, and are therefore rejected using the same art and rationale set forth above.

Claim 20 is substantially similar to claim 3 and is therefore rejected using the same art and rationale set forth above.

Claim 33 is substantially similar to claim 18 and is therefore rejected using the same art and rationale set forth above.

Claim 34 is substantially similar to claims 2-3 and is therefore rejected using the same art and rationale set forth above.

Claim 35 is substantially similar to claim 6 and is therefore rejected using the same art and rationale set forth above.

As per claims 37-38, Pyron discloses a computer environment (See pages 440-2, 467, 575). However, Pyron does not expressly disclose and Smart teaches displaying

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one of the at least one issue and the at least one issue resolution (column 19 line 64 – 68; column 21 line 1-5).

Both Pyron and Smart disclose management systems which coordinate between a plurality of individuals when handling management issues, including planning. Smart specifically discloses managing issues that arise during project management and resolving these issues and conflicts. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the recording of issues and resolutions into an issue database and the subsequent display of **one of** the at least one issue and the at least one issue resolution in order to more efficiently manage a collaborative project by allowing easier interaction between individuals regarding conflicts that arise.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakaoka US 6,092,048 teaches a system for collaboratively working on a project.

Srinivasan US 5,548,506 teaches a server based system for managing various workgroups.

Cannata US 6,917,962 teaches a web-based groupware system.

Heckerman US 5,715,374 teaches a method for cased based reasoning.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G Sterrett whose telephone number is (571)272-6881. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGS

6 October 2008

/Jonathan G. Sterrett/

Primary Examiner, Art Unit 3623